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15 Attorneys for Defendant
16 BRANDON BANNICK

17 UNITED STATES DISTRICT COURT
18 EASTERN DISTRICT OF CALIFORNIA
19

20 UNITED STATES OF AMERICA,
21
22 Plaintiff,
23
24 v.

25 KENNETH BASH (01),
26 KENNETH JOHNSON (11),
27 FRANCIS CLEMENT (12),
28 JAYSON WEAVER (13),
WAYLON PITCHFORD (14),
DEREK SMITH (15),
BRANDON BANNICK (16),
JUSTIN GRAY (17),
JAMES FIELD (18), and
EVAN PERKINS (19),
Defendants.

Case No.: 20-CR-00238-JLT-SKO

STATUS REPORT RE TRIAL
SETTING

1 The government and defendants Johnson, Clement, Weaver, Pitchford,
2 Smith, Bannick, Gray, Field and Perkins, by and through their respective counsel,
3 provide this status report regarding trial setting in this case.

4 At a status conference on August 30, 2023, the Court made findings that the
5 time until January 17, 2024, would be excluded from the Speedy Trial calculation
6 (Doc. 761) and set a further status conference for January 17, 2024. The Court also
7 ordered the parties to be prepared to select a mutually agreeable trial date at the
8 January 2024 status conference.

9 On January 2, 2024, the Court ordered the parties to meet and confer, select a
10 mutually agreeable trial date to be discussed at the January 17, 2024 status
11 conference, and to file a joint status report no later than January 10, 2024 (Doc.
12 765).

13 The government and defendants Johnson, Clement, Weaver, Pitchford,
14 Smith, Bannick, Gray, Field and Perkins, by and through their respective counsel,
15 have conferred among each other but have not been able to select a mutually
16 agreeable trial date. This is due to several factors, including, but not limited to the
17 following: the government has not yet announced whether or not it will seek the
18 death penalty as to any trial defendant, and the paucity of discovery produced to
19 date on the capital-eligible homicides makes it difficult for some defendants to
20 understand the government's theory of liability for the capital-eligible homicides
21 and/or prevents an effective assessment about the viability of various pretrial
22 motions, including suppression of evidence and severance of defendants.

23 Defendants Clement, Pitchford, Field, and Perkins have stated that they
24 cannot select a trial date until the government has announced their penalty decision.
25 Additionally, one of Defendant Field's counsel has a trial conflict in the fall of
26 2024.

27 Mr. Johnson is asserting his constitutional right to a speedy trial.
28

1 Defendants Johnson, Bannick, and Gray are amenable to a trial date of
2 October 8 or 15, 2024 or January 14, 2025, if the government announces a no seek
3 before the end of March 2024 and any superseding indictment does not add any
4 unanticipated charges against them, or otherwise affect the parameter of the trial.
5 Counsel for Mr. Gray recognizes that selecting a jury in October, indeed, November
6 or December, 2024 will result in the exclusion of a number of jurors who have
7 Thanksgiving, Christmas and end of year plans. As such, a January trial date
8 makes more sense and will accommodate counsels' other commitments.

9 Defendant Weaver states that he can agree to a January 14, 2025 trial date if
10 the government announces a no seek before the end of March 2024 and any
11 superseding indictment does not add any unanticipated charges against him, or
12 otherwise affect the parameter of the trial.

13 Defendant Smith is amenable to a trial date of January 14, 2025.

14 The government believes that January 14, 2025 is an appropriate and
15 workable trial date.

16 Defendant Bash has not provided any input to this status report.

17
18 Dated January 10, 2024

Respectfully submitted,

PHILLIP A. TALBERT

United States Attorney

/s/ STEPHANIE M. STOKMAN

STEPHANIE M. STOKMAN

Assistant United States Attorney

/s/ RYAN VILLA

/s/ ANDREA LUEM

/s/ PETER KAPETAN

RYAN VILLA

ANDREA LUEM

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Counsel for Defendant

KENNETH JOHNSON

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/s/ JEAN BARRETT
/s/ JANE FISHER-BYRIALSEN
/s/ DAVID STERN
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